

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Ledingham et al.

Serial No.: 10/698,891

Filed: October 31, 2003

For: AIR TRAFFIC INFORMATION
DISPLAY SYSTEM

Examiner: Unassigned

Art Unit: 3661

Confirmation No.: 2981

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR FILING BY OTHER THAN ALL THE INVENTORS
UNDER 37 C.F.R. § 1.47(a)

Dear Sir:

In response to the Notice to File Missing Parts of NonProvisional Application mailed February 2, 2004, Applicant respectfully submits a petition to file on behalf of inventors Jeff Zanin and Roman Zak, both of whom refuse to join in the present application. Included with this petition are the following items:

- 1) A statement of facts from Michael Boehm providing proof of pertinent facts concerning the refusal of inventor Jeff Zanin to execute the Declaration for filing in the U.S. Patent and Trademark Office.
- 2) A statement of facts from Michael Boehm providing proof of pertinent facts concerning the refusal of inventor Roman Zak to execute the Declaration for filing in the U.S. Patent and Trademark Office.
- 3) A combined Declaration and Power of Attorney signed by joint inventors Robert Ledingham, Keith Penny and Howard Aikins.

- 4) The required \$130.00 petition fee pursuant to 37 C.F.R. § 1.17(h) for the petition to file by other than all the inventors (37 C.F.R. § 1.47(a)).

The last known name and address of the joint inventors whom refuse to join in the present application and to execute and otherwise cooperate in the prosecution of the present patent application are:

Jeff Zanin
629 King Road
Burlington, Ontario, CANADA L7T 3K3

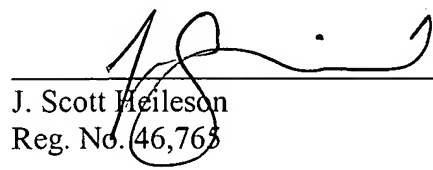
Roman Zak
6103 143a St. NW
Edmonton, Alberta, CANADA T6H 4G7

On October 31, 2003, Applicant filed a patent application, which required an executed declaration by all the inventors. As supported in the enclosed two statements of facts by Michael Boehm, inventors Zanin and Zak refused to join in the present application or execute a Declaration and Power of Attorney.

The required fee pursuant to 37 C.F.R. § 1.17(h) is enclosed. If there is a deficiency in fees, please charge our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: September 2, 2004



J. Scott Heilesen
Reg. No. 46,763

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030
(408) 720-8300



Atty Docket No.: 6486.P004

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STATEMENT OF FACTS IN SUPPORT OF PETITION
FOR FILING UNDER 37 C.F.R. §1.47(a) - REFUSAL OF JEFF ZANIN TO JOIN

Dear Sir/Madam:

I, Michael Boehm, having personal knowledge of the facts set forth herein, hereby declare and say to the best of my knowledge and belief, after diligent inquiry, and without personal liability, except as disclosed herein, as follows:

1. I am an attorney for Gowling Lafleur Henderson LLP, representing NAV Canada, the assignee of the present application. For the months of June, July and August, 2004, I was seconded to NAV CANADA's legal department and therefore have knowledge of the subject matter hereof.
2. On March 23, 2004, Keith Penny, a co-inventor of the present application, was contacted by email by Chris Tanguay, an assistant with NAV CANADA's legal department, to have him and the other co-inventors review the present patent application papers (Specification, including Claims and Drawings) and sign: (i) the Declaration; and (ii) the Assignment (the "Documentation").
3. On or about April 1, 2004, Mr. Tanguay met in person with Mr. Penny to obtain Mr. Penny's assistance in securing the signature of Jeff Zanin, a co-inventor of the present application, on the Documentation. Mr. Penny agreed to forward the Documentation to Mr. Zanin shortly thereafter.

4. On April 19, 2004, Mr. Tanguay met with Mr. Penny who instructed NAV CANADA's legal department that he had spoke with each of the co-inventors of the present application about signing the Documentation and that he was awaiting signed copies of such Documentation.
5. On May 3, 2004, Mr. Tanguay contacted Mr. Penny to determine the status of the Documentation. Mr. Tanguay was informed that Mr. Penny had made no progress in obtaining signatures to the Documentation.
6. On June 29, 2004, Kelly Ann Hicks, Legal Counsel with NAV CANADA, received an email from Mr. Penny (a reproduction of which is attached hereto as Exhibit 1) stating that both Mr. Penny and Mr. Ledingham had signed the Documentation as required. Mr. Penny stated that it would be more effective if NAV CANADA's legal department contacted Mr. Zanin directly to secure the return of the Documentation. Mr. Tanguay followed up with a phone call to Mr. Zanin. According to co-workers, Mr. Zanin was away on holidays and would not be returning until mid-July.
7. On or about July 21, 2004, Mr. Tanguay contacted Mr. Zanin by telephone. Mr. Zanin was asked to sign the Documentation and, in addition, a NAV CANADA form entitled "Confidential Information and Property Rights Form", to be signed by all employees of NAV CANADA. Such form, among other things, assigns intellectual property rights from the employee to NAV CANADA. Mr. Zanin stated that he had refused to sign any Documentation on the basis that his name was spelled incorrectly in the Documentation and that he wanted additional compensation from NAV CANADA for assisting with the U.S. patent application. He stated that he would not sign any of the Documentation until he had an opportunity to speak with someone about the ramifications of the Documentation.
8. On August 3, 2004, Mr. Tanguay called Mr. Zanin to make an appointment for Mr. Zanin to speak with myself, in my capacity as a lawyer on secondment within NAV CANADA's legal department.
9. On August 4, 2004, I had a telephone conversation with Mr. Zanin. I explained what the Documentation meant, how it would impact Mr. Zanin and the U.S. patent application process generally. Mr. Zanin insisted on being further compensated, beyond his salary that he received for his work on the invention of

the present application, for cooperating with the U.S. patent application. I stated that NAV CANADA was not prepared to do so at present. Mr. Zanin agreed to consider whether or not to cooperate with the U.S. patent application.

10. On August 11, 2004, I received an email from Patricia Beck, a NAV CANADA labour relations advisor, requesting me to contact Mr. Zanin's supervisor, Dave Parco. I called Mr. Parco to discuss the U.S. patent application. Mr. Parco instructed me that Mr. Zanin had involved his union and that I was not to contact Mr. Zanin directly. Further, I was told that Mr. Zanin refused to sign any Documentation and not to approach him further on this matter, without first involving Mr. Zanin's union representative. I was also instructed that Mr. Zanin's union would take the position that Mr. Zanin is under no obligation to sign the Documentation and that any attempts to have him do so would be resisted by the union. This was the last contact I had with Mr. Zanin and any of his representatives.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on the information and belief are believed to be true; and further that all of these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: September 2, 2004


Michael Boehm

EXHIBIT 1

-----Original Message-----

From: Penny, Keith
Sent: Tuesday, June 29, 2004 1:44 PM
To: Hicks, Kelly Ann
Subject: RE: Inventors signatures US applications

Hi Kelly Ann,

I have signed everything that was required and I believe Mr. Ledingham has as well.

It would be more effective if you could contact both Mr. Zak and Mr. Zanin directly to secure the return of the signed documents since I have no incentives of either a positive or negative nature to offer.

Keith



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Dear Sir/Madam:

I, Michael Boehm, having personal knowledge of the facts set forth herein, hereby declare and say to the best of my knowledge and belief, after diligent inquiry, and without personal liability, except as disclosed herein, as follows:

1. I am an attorney for Gowling Lafleur Henderson LLP, representing NAV Canada, the assignee of the present application. For the months of June, July and August, 2004, I was seconded to NAV CANADA's legal department and therefore have knowledge of the subject matter hereof.
2. On March 23, 2004, Keith Penny, a co-inventor of the present application, was contacted by email by Chris Tanguay, an assistant with NAV CANADA's legal department, to have him and the other co-inventors review the present patent application papers (Specification, including Claims and Drawings) and sign: (i) the Declaration; and (ii) the Assignment (the "Documentation").
3. On or about April 1, 2004, Mr. Tanguay met in person with Mr. Penny to obtain Mr. Penny's assistance in securing the signature of Roman Zak, a co-inventor of the present application, on the Documentation. Mr. Penny agreed to forward the Documentation to Mr. Zak shortly thereafter.

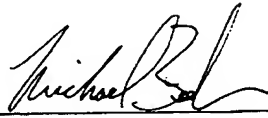
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7. On or about July 21, 2004, Mr. Tanguay contacted Mr. Zak by telephone. Mr. Zak was asked to sign the Documentation and, in addition, a NAV CANADA form entitled "Confidential Information and Property Rights Form", to be signed by all employees of NAV CANADA (the "Form"). The Form, among other things, assigns intellectual property rights from the employee to NAV CANADA. Mr. Zak stated that he had refused to sign any Documentation, but that he would sign the Form in lieu of the Documentation.
8. After receipt of Mr. Zak's Form, no further attempts have been made by NAV CANADA's legal department to have him execute the Documentation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on the information and belief are believed to be true; and further that all of these statements were made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, of Title 18 of the

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